

Message Text

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FOR SECSTATE SCA, PPT AND S/NM, DEA PARIS, DEA HQ ENOM/CLOUD

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SUBJECT: NARCOTICS LAWS

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1. LEGAL SYSTEM IN EGYPT IS BASED ON ISLAMIC LAW AND FRENCH LEGAL CODES. NARCOTICS LAW IS VAGUE. FOLLOWING IS INTERPRETATION FROM ANTI-NARCOTICS GENERAL ADMINISTRATION TO DEA CAIRO: IN SUMMARY, IT IS ILLEGAL TO IMPORT, EXPORT, PRODUCE POSSESS, PURCHASE, SELL, EXCHANGE OR AID AND ABET THE TRANSFER OF DRUGS. ALTHOUGH DEFENDANTS ARE SENTENCED TO LIFE IMPRISONMENT, THE MAXIMUM PENALTY IS 25 YEARS. CAPITAL PUNISHMENT IS CITED FOR SMUGGLING; HOWEVER, CAPITAL PUNISHMENT IS ONLY ENFORCED WHEN LAW ENFORCEMENT OFFICER IS KILLED IN PERFORMANCE OF HIS DUTY. LIFE IMPRISONMENT IS ENFORCED WHEN OFFICER IS WOUNDED IN PERFORMANCE OF HIS DUTY.

2. THERE IS NO DIFFERENTIATION FOR POSSESSION OF DRUGS, I.E., MARIHUANA, COCAINE, OPIUM OR DANGEROUS DRUGS. PENALTIES RANGE FROM TO FINE 25 YEARS IMPRISONMENT DEPENDING UPON AMOUNT OF DRUGS SEIZED AND STATURE OF DEFENDANT IN ILLICIT TRAFFIC. THERE IS NO QUALIFYING AMOUNT PER SE FOR POSSESSION AND TRAFFICKING. PENALTIES
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FOR POSSESSION ARE NOT AS SEVERE AS TRAFFICKING. CONSIDERABLE AMOUNT OF DISCRETION IS LEFT TO THE COURT CONSISTING OF THREE JUDGE PANEL.

3. THERE IS NO CONSPIRACY STATUTE IN EGYPT. DRUG SEIZURE MUST BE MADE BEFORE CO-DEFENDANT CAN BE TRIED. CIRCUMSNTIAL EVIDENCE SUCH AS THAT USED IN U.S. CONSPIRACY WILL NOT SUFFICE.

4. THERE IS NO LICIT CULTIVATION IN EGYPT. CANNIBAS AND OPIUM CULTIVATION ARE PROHIBITED BY LAW. PENALITIES ARE SAME AS SMUGGLING. FINANCIAL SUPPORT OF CULTIVATION AND TRAFFICKING SAME AS AIDING AND ABETTING IN COMPARISON TO U.S. STATUTES.

5. THERE ARE NO CURRENCY CONTROL LAWS. ANGA HAD NO FURTHER INFO REGARDING FOREIGN BANK ACCOUNTS.

6. PERIOD OF INVESTIGATIVE DETENTION IS 24 HOURS. CONSULAR OFFICERS ARE PERMITTED ACCESS DURING THIS PERIOD. EMBASSIES/CONSULS ARE NOTIFIED OF ARRESTS OF RESPECTIVE NATIONALS. PRETRIAL DETENTION IS BETWEEN 6 MONTHS TO ONE YEAR IF DEFENDANT IS INCARCERATED, AND UP TO FOUR YEARS IF DEFENDANT HAS POSTED BAIL. AVERAGE LENGTH OF TRIAL PROCESS IS ONE WEEK. APPELLATE PROCESS IS TIME CONSUMING AND CAN TAKE YEARS. IF THE DEFENDANT UNABLE TO HIRE LEGAL COUNSEL, COURT WILL APPOINT COUNSEL AT TIME OF TRIAL. THERE ARE PROVISIONS FOR PAROLE AFTER DEFENDANT HAS SERVED ONE HALF SENTENCE. DEFENDANTS UNDER AGE 18 ARE SUBJECT TO JUVENILE COURT. GENERAL PRACTICE IS TO EXPEL FOREIGN MINORS IN POSSESSION OF SMALL AMOUNTS OF DRUGS.
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